

From: Douglas (038) Maria Cramer
To: Microsoft ATR
Date: 11/19/01 7:06pm
Subject: Microsoft Settlement

To Whom It May Concern:

It is with great concern and a deep sense of foreboding that I have read the settlement agreement between the United States Department of Justice and Microsoft. It is my opinion that the agreement falls far short of achieving any real remedy to Microsoft's predatorial and anti-competitive business practices. It will neither provide reparations for damage that has already been done to a number of individuals and corporations nor will it prevent future abuses of Microsoft's monopolistic advantage in the computer software marketplace. From what I have read and seen in the news media concerning this case, whether or not Microsoft is a monopoly and whether or not it uses this monopoly to unfair advantage over competitors is not in question. This has been found to be true and Microsoft is guilty of violating our country's anti-trust laws. The question is how to go about setting things right so these activities are stopped and competition is returned to the industry. The settlement appears to do little to answer this question.

The settlement as it stands places a great degree of emphasis on Microsoft acting in good faith to avoid certain specific practices that unfairly leverages its operating system monopoly to place its products at an advantage over those of other software developers. Microsoft has already shown by its violation of a previous consent decree that it cannot be trusted to act in good faith. Also, during the course of the legal proceedings, Microsoft continued to carry on with business as usual as though its business practices were not even under scrutiny. This business as usual² recently culminated with the release of the Windows XP operating system that not only contains the Internet Explorer web browser with code co-mingled with the operating system, but also introduces new bundled applications such as a video editing package and instant messaging software that are placed at an advantage over competing products by their inclusion with the operating system bundle. Windows XP also further attempts to extend Microsoft's monopoly into other areas by leveraging its compressed digital music format, Media Player multimedia viewing application, PassPort user authentication system, and .NET Internet technologies against competing technologies from Apple Computer, Sun Microsystems, IBM, and others. Microsoft continues to operate as it always has with no apparent regard for the laws it violates, the companies it harms, or the consumers who suffer because of the stifled competition and innovation that result from these activities.

This being the case, I would have been somewhat relieved to have discovered the settlement contains meaningful and effective consequences should Microsoft violate the agreement. I was astounded to find out that it does not. The settlement provides little more than a slap on the wrist should

Microsoft not curb its anti-competitive practices. If this were not enough, the settlement appears to provide plenty of loopholes through which Microsoft will be able to squirm that will allow it to continue operating as usual without technically violating the agreement. Obviously, I am not the only one who believes this. The settlement has come under fire from computer industry leaders, consumer advocacy groups, and prominent citizens. It has proven so inadequate that a number of states that participated in the case are refusing to accept the settlement and a number of corporations are considering filing civil lawsuits in an attempt to seek justice where the Justice Department has fallen short.

As a tax-payer and voter who has watched as the Justice Department invested countless man-hours and tax dollars into the fight against the Microsoft monopoly, I am deeply disappointed in the end the result. As far as I can tell, little has been accomplished and nothing has really changed. Microsoft is still a monopoly, it is still using this unfair advantage to the detriment of others, and most likely will continue to do so for the foreseeable future. As a result, they will be able to continue to run other companies out of business, squash innovation that does not fit into their plans, and take advantage of consumers through higher prices, the undermining of better competing technology, and the ongoing elimination of viable alternatives to their operating systems and other software products.

In regard to the Microsoft anti-trust case, I believe the Justice Department has failed the American people.

Sincerely,

Douglas J. Cramer
1340 Conewango Avenue
Warren, PA 16365
(814) 726-0312
dmcramer@penn.com